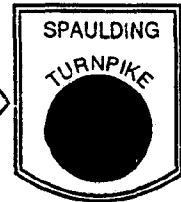




NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

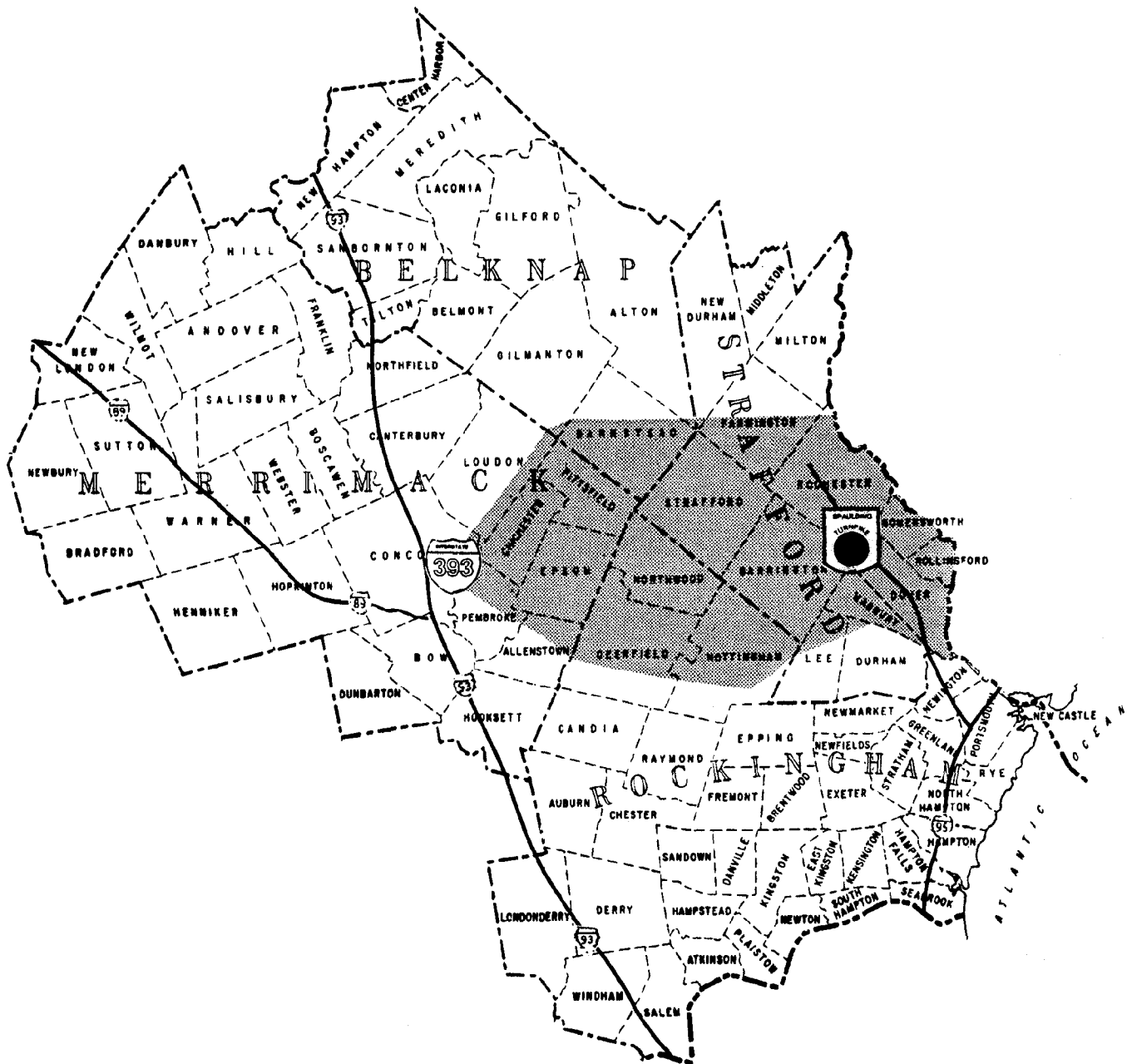
CONCORD TO SPAULDING TURNPIKE STUDY

Environmental Impact Statement and Preliminary Highway Design Plans



UPDATE 1

Scoping Report



NHDOT 10428

October 25, 1989

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
CONCORD TO SPAULDING TURNPIKE STUDY

UPDATE 1
SCOPING REPORT

NHDOT Project No. 10428

October 25, 1989

File 175, 1048 1989 6.22

PREFACE

The enclosed material includes a package of (1) revisions, corrections and clarification of the material contained in the October 19, 1989 Scoping Report and/or (2) the addition of new information. As the Scoping Report evolves into a review draft of the Draft Environmental Impact Statement at the end of Phase II, it is anticipated that a series of Updates will be issued to all participants to respond to their comments and to keep them current as the Concord to Spaulding Turnpike Study progresses.

UPDATE 1
SCOPING REPORT

<u>Item</u>	<u>Page</u>									
#1	I-10	Figure 1-3, Study Area Highway Map The interstate highway noted under the word "Concord" should be labelled "I-89."								
#2	I-13	Figure 1-4, 1989 Average Annual Daily Traffic The number "3,300" at the diamond on Route 125 just south of Rochester should read "13,300."								
#3	II-2	Figure II-1 Existing Land Use The page number should read "II-3"								
#4	II-12	part b. <u>Potential Future Housing Starts</u> At the end of the first paragraph on the page, the following sentence should be added, "Somersworth is also anticipating substantial new residential development."								
#5	II-12	part c. <u>Commercial and Industrial Activity</u> In the fifth paragraph, the two sentences that begin with "Somersworth inaugurated...." and end with "....50,000 square feet." should be removed.								
#6	II-21	Figure II-7 Floodplain The following Note should be added: "Town of Northwood not mapped by FEMA."								
#7	II-25	Figure II-9 Groundwater Resources The Sources note should replace "sourses" with "sources"; "NHDPs" with "NHDES"; and "aquifers" with "aquifers."								
#8	III-4	Section 3. Highway Design, part a. <u>General</u> Items under "Minimum Vertical Clearances (Feet)" listed should be removed and replaced by the following: <table><tr><td>Mainline under local road or railroad</td><td>16'-16"</td></tr><tr><td>Mainline over local road (at interchange)</td><td>16'-6"</td></tr><tr><td>Mainline over local road</td><td>14'-6"</td></tr><tr><td>Mainline over railroad</td><td>22'-6"</td></tr></table>	Mainline under local road or railroad	16'-16"	Mainline over local road (at interchange)	16'-6"	Mainline over local road	14'-6"	Mainline over railroad	22'-6"
Mainline under local road or railroad	16'-16"									
Mainline over local road (at interchange)	16'-6"									
Mainline over local road	14'-6"									
Mainline over railroad	22'-6"									

#9 III-5

para b. Superelevation

Item listed should be removed and replaced by:

Mainline Maximum = 0.08 Ft./Ft.

Ramps Maximum = 0.06 Ft./Ft.

#10 III-5

part c. Pavement Widths

The word "Paved" should be added to begin the second sentence of the paragraph.

#11 III-5

Section 5. Construction

The words "of the new bridges" should be removed from the first sentence.

#12 IV-2

The itemized listing at the top of the page should be labelled "CONSTRAINT MAPS" and an item #17, "Mineral Resources" should be added.

#13 IV-2

In the third sentence of the first full paragraph, the word "conceivable" should be spelled "conceivably."

#14 IV-3

Figure IV-1 Potential Highway Corridors

The map inserted in the report should be replaced with the attached Figure IV-1 which restores, after quality control review, eight links as follows:

Loudon/Concord	1
Rochester	3
Barrington	4

and removes one link in Epsom

#15 IV-4

Section 4. New Location Corridors

In the third paragraph, the word "pervasive" should be removed and replaced with the word "extensive."

#16 IV-4, IV-5

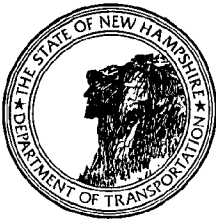
part a. Deerfield Group

In the second characteristic, or bullet, the second sentence beginning with "These links...." and ending with ".... of Manchester...." should be removed.

#17 IV-5

part a. Deerfield Group

The third characteristic, or bullet, beginning with "Since the...." and ending with "....with I-93...." should be removed in its entirety.



The State of New Hampshire
Department of Transportation
John O. Morton Building

Wallace E. Stirkney, P.E.
Commissioner

*Pat
Please keep with
NH materials your
office*

Hazen Drive
P.O. Box 483
Concord, N.H. 03302-0483

December 1, 1989

Ms. Kathy Cousins
Office of Ocean and Coastal Resources Management/NOAA
1825 Connecticut Avenue NW
Washington, D.C. 20235

SUBJECT: Concord Spaulding Turnpike, 10428

Dear Ms. Cousins:

The New Hampshire Department of Transportation has completed the Scoping Report for the Concord to Spaulding Turnpike Study. I have enclosed a copy for your review and comment and thank you for the assistance you have provided in the initial resource inventory process.

I have attached a list of the twenty-two technical reports used as a base to develop the Scoping Report. I have also enclosed for your review and comments a selection of these reports which may be of particular interest. Please contact me if you would like copies of any additional reports. Also, please make these reports available to other appropriate personnel in your agency who would be interested in reviewing them.

I welcome your review of the study documents and your comments on the accuracy of the information they contain.

Thank you for your interest and assistance.

Sincerely,

William R. Hauser

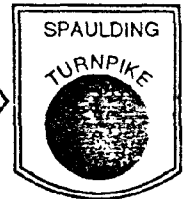
William R. Hauser, Supervisor
Environmental Services Section
Bureau of Environment
Room 109-Tel. (603) 271-3226



NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION

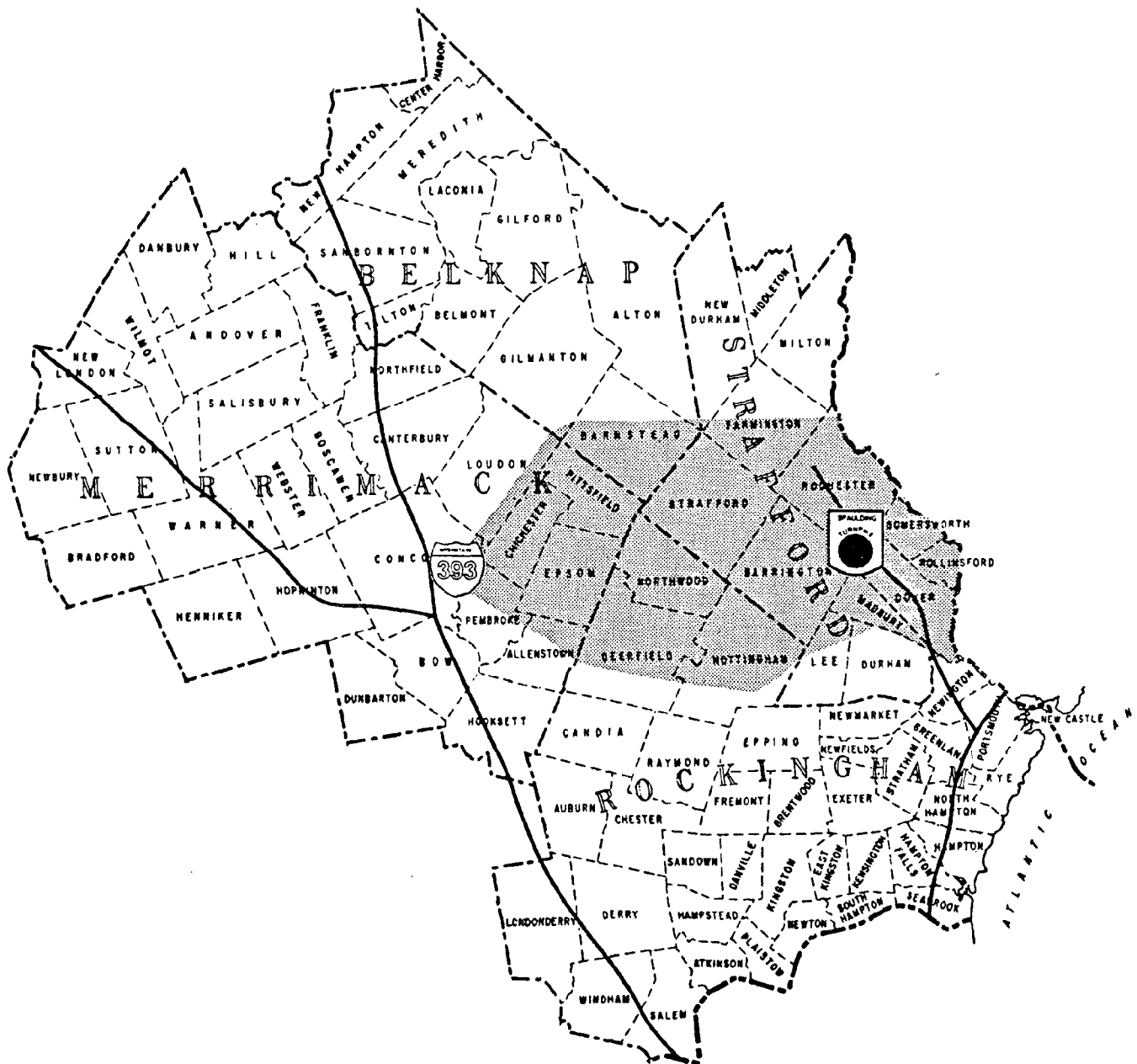
CONCORD TO SPAULDING TURNPIKE STUDY

Environmental Impact Statement and Preliminary Highway Design Plans



10

Technical Memorandum on Coastal Zone



NHDOT 10428

October 19, 1989

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
CONCORD TO SPAULDING TURNPIKE STUDY

TECHNICAL MEMORANDUM NUMBER 10
THE COASTAL ZONE

NHDOT Project #10428

Prepared by:
Sverdrup Corporation

October 19, 1989

TECHNICAL MEMORANDUM
NUMBER 10

THE COASTAL ZONE

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The inventory conducted in the Concord to Spaulding Turnpike Study of the many different types of resources existing in the Study Area is being reported in a Scoping Report and in a series of technical memoranda. This technical memorandum presents the results of the inventory of Coastal Zone resources in the study area.

A. NATURE AND SIGNIFICANCE OF THE COASTAL ZONE RESOURCE

The Coastal Zone, as defined by the Coastal Zone Management Act of 1972, is "... the coastal waters ... and ... transitional and intertidal areas, salt marshes, wetlands, and beaches... The zone extends inland from the shorelines only to the extent necessary to control shorelands, the use of which have a direct and significant impact on the coastal waters." The defining of the coastal zone is predicated on an analysis of water resources. "Water provides the essential linkage of land and sea elements of the coastal ecosystem ... Coastal waters are a mixture of fresh water from the land and salt water from the sea. The workings of the coastal ecosystem are influenced by both sources of water supply, by the forces that drive them, and by the interplay between them" (Clark, 1974).

In this water environment are areas of tremendous biological productivity, areas of great recreational value, areas of unique scenic value, and areas that provide access to the productive use of the seas. Clearly, "... the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and aesthetic resources ..." (Roy Mann Associates, Inc., 1975).

B. SOURCES OF INFORMATION ON COASTAL ZONE RESOURCES

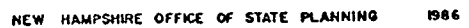
The primary source of information on coastal zone resources in the study area is the Final Environmental Impact Statement for the New Hampshire Coastal Program for Ocean, Harbor, and Great Bay Areas prepared by the United States Department of Commerce and the New Hampshire Office of State Planning. This document defines coastal boundaries and provides a justification for their selection.

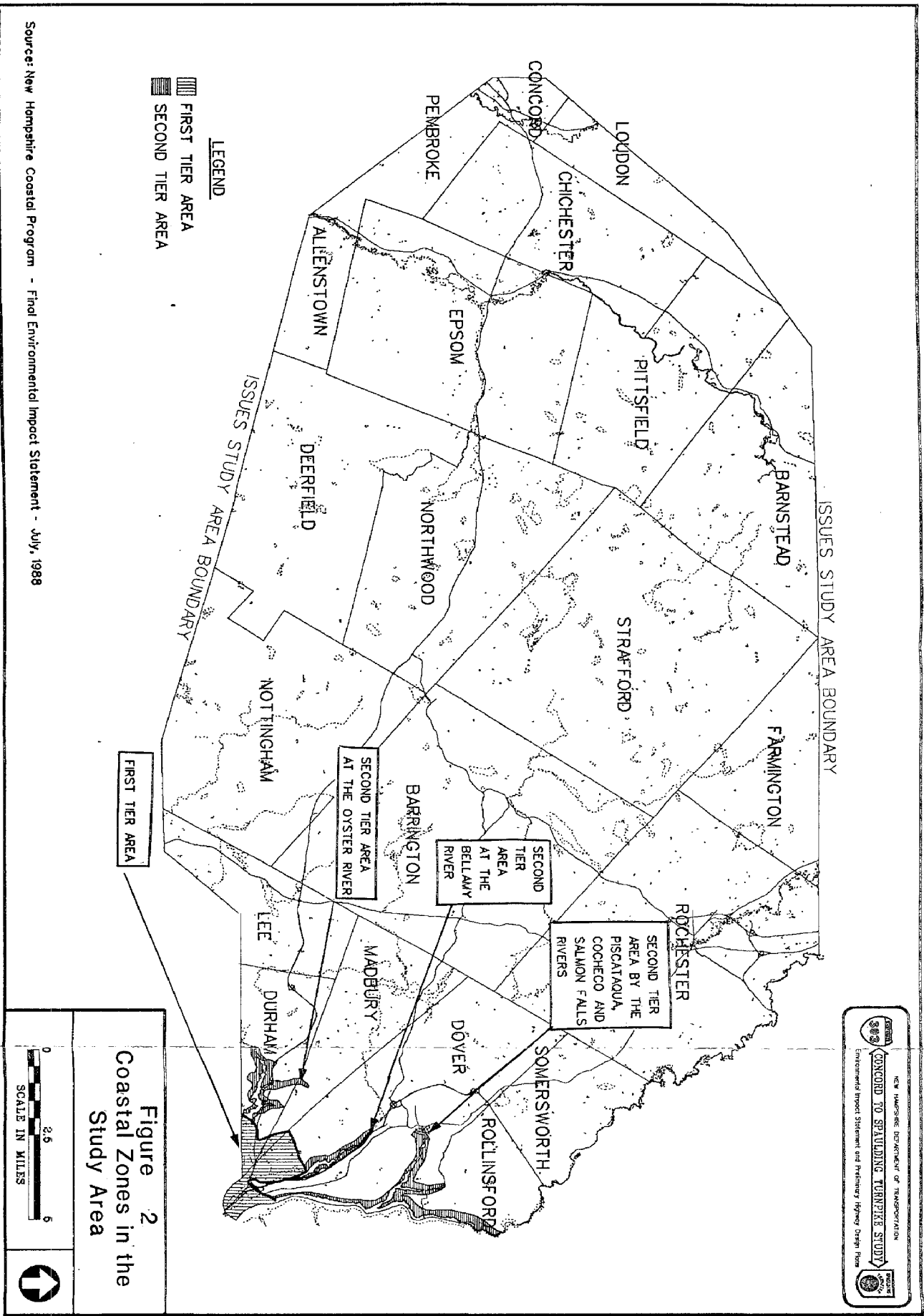
C. DESCRIPTION OF THE COASTAL ZONE RESOURCES IN THE STUDY AREA

New Hampshire's Coastal Zone includes not only the eighteen miles of shoreline on the Atlantic Ocean but also the major system of tidal rivers and bays that outlets to the ocean at the Piscataqua River. (Figure 1) "Arranged like five spindling fingers, five rivers - the Squamscot, Lamprey, Oyster, Bellamy, and Salmon Falls - flow together from different parts of the hinterland, mingling their waters in an inland system that transforms New Hampshire's tiny stretch of shoreline into a maritime center of beauty and importance" (Adams, 1976). It is the coastal zone surrounding this inland system, consisting of Little Bay, Great Bay, and the entering rivers, that affects the study area.

Portions of the defined coastal zone expand into the study area in the extreme southeastern corner and cover portions of the four communities of Durham, Madbury, Dover, and Rollinsford (Figure 2).

NEW HAMPSHIRE COASTAL PROGRAM





Source: New Hampshire Coastal Program - Final Environmental Impact Statement - July, 1988

The boundary of the coastal zone is two tiered. The first tier extends up the Piscataqua River to the Dover Point area at the confluence of Little Bay and the Piscataqua River and then extends around Little Bay and Great Bay inland until some identifiable feature, such as a roadway, is reached which effectively separates the shoreland from inland areas. These first tier areas extend landward to cover all coastal resource areas, all major coastal issue areas, and all lands which could have a direct and significant impact on coastal waters as a result of their use. Areas within Durham, Madbury, and Dover lie within first tier areas.

The second tier areas are considered to have a less direct influence on the coastal waters. They include areas along tidal rivers to the limit of tidal action and adjacent areas inland to the limit of the Wetlands Board jurisdiction which extends to these areas within 100 feet of the highest observable tide line, up to three and a half feet above mean high water. Typically, these second tier areas include the rivers themselves, their banks, and adjacent salt marshes. They radiate outward from the Great Bay and Little Bay along the tributary rivers. Such second tier areas extend along the Oyster River in Durham and Madbury, along the Bellamy River in Dover, and along the Piscataqua River in Dover, and along its tributaries, the Cocheco River in Dover, and the Salmon Falls River in Rollinsford. In all, there are about seven square miles of coastal zone area within the study area.

These coastal zone areas, as shown in Figure 2, are part of the Great and Little Bay Estuarine System, covering approximately seventeen square miles and forming one of the largest such systems on the Eastern Seaboard. The system is formed by the convergence of rivers with a combined watershed of approximately 930 square miles. The system has approximately 830 acres of salt marsh.

D. REGULATORY REQUIREMENTS AFFECTING THE COASTAL ZONE RESOURCE

The Congress declared it a national policy "... to preserve, protect, develop, and where possible, to restore and enhance, the resources of the Nation's coastal zone..." in the Coastal Zone Management Act of 1972. However, the Congress considered the implementation of such policy would be best achieved through the exercise of existing state authority. To this end, coastal states have prepared management programs to deal with coastal issues.

The Act provided for assistance and encouragement to coastal states in developing and managing comprehensive programs for their coastal areas. The programs provided for under the Act are administered by the United States Department of Commerce. A state management program, to be approved, must: (1) identify and evaluate coastal resources that require management or protection, (2) re-examine existing policies or create new policies to manage or protect these resources, (3) determine specific uses appropriate to specific geographical areas, (4) identify the inland and seaward areas subject to the management program, (5) provide for the consideration of the national interest in siting facilities that meet more than local requirements, and (6) include sufficient legal authorities and organizational arrangements to implement the program (United States Department of Commerce and New Hampshire Office of State Planning, 1988). The final authority on administration of the Coastal Zone Management Program lies with the individual state. "... once a state has developed a

coastal zone management plan that is accepted by the federal government, the federal government cannot take actions that are not in line with the state plans" (ReVelle and ReVelle, 1981).

There is also a direct project review responsibility on the Federal level for activities in the coastal zone. One of the many functions of the Corps of Engineers is to issue permits for activities which may obstruct or alter the nation's navigable waters. This authority dates back to the Rivers and Harbors Act of 1899 and has been augmented by the Federal Water Pollution Control Act of 1972 and the Marine Protection, Research, and Sanctuaries Act of 1972. Originally, the permit program was intended to provide consideration of the effects of a project on navigation but the more recent legislation has broadened the program to take into account much broader issues such as water quality and aesthetics. The permit program now applies to all the waters of the United States including coasts and adjacent wetlands, rivers, streams, and marshes. This typically includes areas within the coastal zone. The permit application procedure requires agency and public review and in some cases a public hearing.

On the state level, the policies of the New Hampshire Coastal Program for Ocean, Harbor, and Great Bay Areas are based on existing state laws which constitute the legal basis for state agency decisions in the coastal zone. Enforcement laws and regulations are those which form the basis for administrative decisions to approve or disapprove activities which fall within the jurisdiction of a specific agency. Chief among these are the Wetlands Board regulations which are applicable to saltwater wetlands, banks, and intermittent streams, which are all typically found within the coastal zone.

The rules and regulations of the New Hampshire Wetlands Board are contained in the New Hampshire Code of Administrative Rules, Chapter Wt100 through Wt800. The authority of the regulations is derived from legislative acts relating to excavating, dredging, or filling waters of the state and filling, dredging, or erecting structures in great ponds and public owned water bodies. An eleven member board reviews permit applications for projects affecting wetlands resources and conducts public hearings if deemed necessary.

Any state project which may affect Coastal Zone Resources must undergo a review to determine its consistency with Coastal Zone Program policies. This review is carried out by the Office of State Planning which is the state agency responsible for administering the coastal zone program. Procedures for conducting this consistency review for transportation projects were originally developed in a three party agreement of October 4, 1984, between the Office of State Planning, the former Department of Public Works and Highways, and the Federal Highway Administration. This agreement was slightly revised as of April 18, 1986, to institute the currently applicable agreement between the Office of State Planning, New Hampshire the Department of Transportation, and the Federal Highway Administration.

Under the consistency review program, any major project proposal developed by the Department of Transportation and submitted as part of the New Hampshire Intergovernmental Review Process must contain a statement that the activity is consistent with the New Hampshire Coastal Program. The Office of State Planning will review the project proposal, issue a certification that the project is

conceptually consistent with the Coastal Zone Program, and send a copy of the certification to the Federal Highway Administration. When applications for state permits, such as the New Hampshire Wetlands Board permit, or federal permits, such as the Corps of Engineers permit are filed, copies of the application are sent to the Office of State Planning. When the permits are issued, the Office of State Planning issues a certification of consistency and sends a copy to the Federal Highway Administration and any other federal agency involved.

One of the very broad policies of the New Hampshire Coastal Zone Program is to maintain the rural character of the Great Bay area. A general agreement of February 4, 1987, was executed between the Office of State Planning and the Department of Transportation relating to this policy. It was agreed that no new highway locations would be considered in the Great Bay area without extensive environmental analysis and coordination with the Office of State Planning to ensure that this rural character would be preserved.

The New Hampshire Coastal Program Environmental Impact Statement was reviewed by the Department of Transportation in the spring of 1988. In a letter dated May 23, 1988, the Department was able to indicate that no major projects were imminent in the Coastal Zone but that the Concord to Spaulding Turnpike Study could potentially propose activity in the Coastal Zone.

E. ISSUES FOR CONSIDERATION IN ALTERNATIVE EVALUATION

The New Hampshire Coastal Program for Ocean, Harbor, and Great Bay Areas presents sixteen areas of coastal policy that reflect state priorities aimed at balancing development needs with resource protection and provide consistent guidelines for state agency action in the coastal zone. These policies relate to:

1. Coastal resource protection,
2. Fish and wildlife management,
3. Offshore/onshore sand and gravel removal,
4. Oil spill prevention and cleanup,
5. Rare and endangered species,
6. Unique natural areas,
7. Recreation facilities,
8. Rural quality of Great Bay,
9. Floodplain protection,
10. Air quality protection,
11. Water quality,
12. Energy facilities siting,
13. Coastal dependent uses,
14. Dredging and dredge spoil disposal,
15. Historic preservation, and
16. Research and education.

This very comprehensive list of policy concerns provides for a wide ranging review of any project affecting the coastal zone under the existing regulations of state agencies. Any highway project taking place in the coastal zone would have to be reviewed under several of these policy areas.

REFERENCES

- Adams, John P., Drowned Valley, The Piscataqua River Basin, The University Press of New England, Hanover, New Hampshire, 1976.
- Clark, John, Coastal Ecosystems, Ecological Considerations for Management of the Coastal Zone, The Conservation Foundation, Washington, D.C., 1974.
- ReVelle, Penelope, and Charles ReVelle, The Environment, Issues and Choices for Society, Willard Grant Press, Boston, Massachusetts, 1981.
- Roy Mann Associates, Inc., Aesthetic Resources of the Coastal Zone, National Oceanic and Atmospheric Administration, Washington, D.C., 1975.
- United States Department of Commerce and New Hampshire Office of State Planning, Final Environmental Impact Statement for the New Hampshire Coastal Program for Ocean, Harbor, and Great Bay Areas, United States Department of Commerce, Washington, D.C. 1988.

APPENDICES CORRESPONDENCE

- | | | |
|---|---|---|
| A | Correspondence of October 4, 1984, to the Office of State Planning from the Department of Public Works and Highways transmitting a Memorandum of Agreement. | The Original Memorandum of Agreement on Procedures for Federal Consistency Reviews for Department of Public Works and Highways Projects in the Coastal Zone. |
| B | Correspondence of April 18, 1986, to the Office of State Planning from the Department of Transportation. | The Current Memorandum of Agreement on Procedures for Federal Consistency Reviews for Department of Transportation Projects in the Coastal Zone. |
| C | Memorandum of February 4, 1987, from the Office of State Planning to the Department of Transportation. | Memorandum of Agreement that no new highway locations will be considered in the Great Bay area without extensive environmental analyses responsive to the Coastal Program policy of preserving the rural character of the Great Bay area. |
| D | Correspondence of May 23, 1988, from the Department of Transportation to the Office of State Planning. | A Review of the New Hampshire Coastal Program Environmental Impact Statement reviewing highway activities in the coastal zone management area and advising that the Concord to Spaulding Turnpike Study would begin soon. |



APPENDIX A

STATE OF NEW HAMPSHIRE
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
JOHN O. MORTON BUILDING

October 4, 1984

CONCORD, N.H. 03301

REUEL W. WEBB, P.E.
DEPUTY COMMISSIONER
AND CHIEF ENGINEER

David Scott, Acting Director
Office of State Planning
2 1/2 Beacon Street
Concord, New Hampshire 03301

Dear Mr. Scott:

Re: Memorandum of Agreement (MOA) on
Procedures for Federal Consistency
Reviews in Coastal Zone Management

At a meeting held here on November 23, 1983, Peter Piattoni and Marcia Keller of your staff outlined to representatives of the Department and the Federal Highway Administration the features of New Hampshire's new Coastal Program. More specifically discussed were the requirements with respect to federal consistency reviews under that program. My purpose in writing is that this will confirm the results of that meeting and serve as a memorandum of understanding between our agencies on procedures to be followed.

It is recognized that the NH Coastal Program is based on, and relies exclusively upon, existing state laws, regulations and agency programs. These actions by existing agencies take place throughout the project development cycle beginning with the programming of highway projects under the NH Intergovernmental Review Process (formerly "A-95 Process") and continue through the issuance of any required State permits, where necessary prior to construction.

All who took part in the November meeting were pleased that, in view of the fact that New Hampshire's Coastal Program comprises existing state laws and in place procedures, the requirements to assure federal consistency can be met with a few straightforward, simple steps as follows:

1. Each project submission by the New Hampshire Department of Public Works and Highways (DPW&H) under the New Hampshire Intergovernmental Review Process (IRP) (formerly A-95) for a project in any of the seven Atlantic coastal municipalities (Seabrook, Hampton Falls, Hampton, North Hampton, Rye, Portsmouth, and New Castle) will contain a statement that the project complies with the New Hampshire Coastal Program (NHCP) and will be conducted in a manner consistent with the program.

Where project development is proceeding in accordance with the NHCP, along with the IRP the Office of State Planning (OSP) will inform the DPW&H that, conceptually, the project meets the federal consistency requirements. A copy of this letter will be sent to Federal Highway Administration (FHWA). Formal consistency review will be initiated when, and if, state permits are required and upon application for state permit(s) DPW&H will send copies of applications to OSP/Coastal Program.

"LIVE FREE OR DIE"

October 4, 1984

In instances where state permit(s) are required, issuance of such permit(s) will constitute consistency. When OSP has been notified by the New Hampshire Wetlands Board, and any other applicable state regulatory agency, that the required state permit(s) have been issued, OSP will provide DPW&H with a letter certifying federal consistency for the project. A copy of this letter will be sent to Division Administrator, FHWA.

For any project submitted for federal assistance, but excluded from the IRP as defined in the Memorandum of Agreement dated September 12, 1984, between DPW&H and OSP (see attached), the DPW&H hereby certifies that the excluded project activities will comply with the New Hampshire approved Coastal Program and will be conducted in a manner consistent with such program. It is agreed, however, that bridge replacement projects will not be excluded from the Coastal Program and will be submitted for federal consistency review as specified in Section 1 of this MOA.

2. Upon each application by DPW&H for a federal permit or license for an activity proposed in a coastal community, a copy of the application with all of its supporting documents will be furnished to OSP.

OSP will then prepare and transmit a copy of the federal consistency certification to the federal agency involved. A copy of this certificate will be sent to FHWA.

3. At the request of any one of the three parties to this agreement, discussions may be undertaken to modify or change this agreement.

Upon review and concurrence in the foregoing by your office, would you kindly endorse all three copies as provided below and forward them to the Federal Highway Administration, to attention of Herbert E. Hodgdon, P.E., Transportation Planner. Upon review and concurrence by FHWA, we would then appreciate their returning a fully executed copy to each of our offices, OSP and NH DPW&H.

Very truly yours,

Reuel W. Webb

Reuel W. Webb
Deputy Commissioner
and Chief Engineer

Concurrence by
Office of State Planning

Concurrence by
Federal Highway Administration

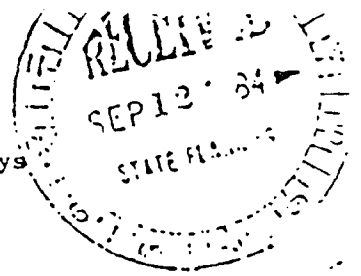
David H. Lenth
Acting Director

Fi (Con. to 6)
Division Administrator

Dated 10/5/84

Dated 10/10/84

Memorandum of Agreement
between the
New Hampshire Department of Public Works and Highways
and
The Office of State Planning



It is mutually agreed that the following specific program activities contained within Catalog of Federal Domestic Assistance Category #20.205 will be considered exempt from review under New Hampshire Intergovernmental Review Process.

1. Traffic Engineering
 - A. Signals
 - B. Signing
 - C. Pavement Marking
2. Safety Projects
 - A. Hazard Elimination
 - B. Rail-Highway
 - C. Intersection Reconstruction
 - D. Truck Escape Ramps
3. 3R Type Projects
 - A. Rehabilitation within existing ROW
 - B. Resurfacing of more than 3/4"
4. 4R Type projects not involving new construction or major added features
 - A. Reconstruction of existing roadway with minor widening and ROW
5. All projects involving the new construction of features directed solely at the operation of a highway facility.
 - A. Rest Areas
 - B. Landscaping
 - C. Lighting
 - D. Vehicle Weight Stations
 - E. Fencing
6. Bridge Replacement Projects
 - A. Bridge Replacement (involving only bridges with minor realignment within existing ROW. All CDM area bridges must be submitted.)
 - B. Bridge Rehabilitation
 - C. Bridge Removal
 - D. Bridge Approaches
7. Experimental and Demonstration Projects
 - A. Materials Testing
 - B. Demonstration Projects
8. Emergency Relief Projects
9. Roadway and Bridge Maintenance Projects

10. Miscellaneous

- A. Interstate Cost Estimate
- B. Highway Planning and Research Program
- C. Carpool Program (except carpool lot construction)
- D. Speed Monitoring Program
- E. Truck Size and Weight Program

David L. Scott

David L. Scott
Acting Director
Office of State Planning
State Single Point of Contact

Date

Walter F. Mead 9/1/82

Walter F. Mead
Assistant Commissioner
Department of Public Works
and Highways



The State of New Hampshire
Department of Transportation
John G. Horton Building

APPENDIX B

Dallan E. Stickney, P.E.
Commissioner

April 18, 1986

Hazen Drive
P.O. Box 483
Concord, N.H. 03301-0483

David Scott, Acting Director
Office of State Planning
2 1/2 Beacon Street
Concord, NH 03301

Dear Mr. Scott:

Re: Memorandum of Agreement (MOA) on
Procedures for Federal Consistency
Reviews in Coastal Zone Management

In October, 1984, the referenced MOA was fully executed by you, former Deputy Commissioner and Chief Engineer Ruel W. Webb of this Department and former Division Administrator Frederick T. Comstock of the Federal Highway Administration. The Office of State Planning, following consultation with the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration, has recently requested amendment to Step 1 of the Agreement. Also, the original agreement signatories from this agency and FHWA have retired and, effective February 28, 1986, the New Hampshire Department of Public Works and Highways ceased to exist and was succeeded by the New Hampshire Department of Transportation. Therefore, in adoption of all of the necessary revisions, this letter constitutes a new MOA between our agencies, hereby superseding the MOA endorsed in October, 1984.

It is recognized that the NH Coastal Program is based on, and relies ~~exclusively upon~~, existing state laws, regulations and agency programs. Those actions by existing agencies take place throughout the project development cycle beginning with the programming of highway projects under the NH Intergovernmental Review Process (formerly "A-95 Process") and continue through the issuance of any required State permits, where necessary, ~~prior to construction~~. It is mutually agreed that projects subject to federal consistency review in coastal zone management will be processed in accordance with the following steps:

1. Each project submission by the New Hampshire Department of Transportation (DOT) under the New Hampshire Intergovernmental Review Process (IRP)(formerly A-95) for a project in any of the seven Atlantic coastal municipalities (Seabrook, Hampton Falls, Hampton, North Hampton, Rye, Portsmouth, and New Castle) will contain a statement that the project complies with the New Hampshire Coastal Program (NHCP) and will be conducted in a manner consistent with the program.

David Scott, Acting Director
Page 2
April 18, 1986

Where project development is proceeding in accordance with the NHCP, along with the IRP the Office of State Planning (OSP) will inform the DOT that, conceptually, the project meets with the federal consistency requirements. A copy of this letter will be sent to the Federal Highway Administration (FHWA). Formal consistency review will be initiated when state permit(s) are required and upon application for state permit(s) DOT will send copies of applications to OSP/Coastal Program.

In instances where state permit(s) are required, issuance of such permit(s) will constitute consistency. When OSP has been notified by the New Hampshire Wetlands Board, and any other applicable state regulatory agency, that the required state permit(s) have been issued, OSP will provide DOT with a letter certifying federal consistency for the project. A copy of this letter will be sent to Division Administrator, FHWA.

If a state permit is not required, the proposed activity is then reviewed under standard consistency procedures as outlined in "Federal Consistency and the New Hampshire Coastal Program - An Applicant's Guide" Part III:A.

For any project submitted for federal assistance, but excluded from the IRP as defined in the Memorandum of Agreement dated September 12, 1984, between DPW&H (now DOT) and OSP (see attached), the DOT hereby certifies that the excluded activities will comply with the New Hampshire approved Coastal Program and will be conducted in a manner consistent with such program. It is agreed, however, that bridge replacement projects will not be excluded from the Coastal Program and will be submitted for federal consistency review as specified in Step 1 of this MOA.

2. Upon each application by DOT for a federal permit or license for an activity proposed in a coastal community, a copy of the application with all of its supporting documents will be furnished to OSP.

OSP will then prepare and transmit a copy of the federal consistency certification to the federal agency involved. A copy of this certificate will be sent to FHWA.

3. At the request of any one of the three parties to this agreement, discussions may be undertaken to modify or change this agreement.

David Scott, Acting Director
Page 3
April 18, 1986

Upon review and concurrence in the foregoing by your office, would you kindly endorse all three copies as provided below and forward them to the Federal Highway Administration, to attention of Richard Lemieux, P. E., Transportation Planner. Upon review and concurrence by FHWA, we would then appreciate their returning a fully executed copy to each of our offices, OSP and DOT.

Very truly yours,

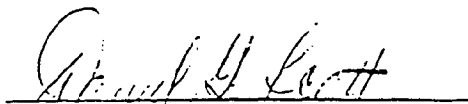


Edgar W. Huckins, Director
Division of Project Development
Room 102 - Tel. 271-3739

EWR:mle

Concurrence by
Office of State Planning

Concurrence by
Federal Highway Administration


Acting Director
Division Administrator

Dated

May 7 1986

Dated

5/13/86

MEMORANDUM OF AGREEMENT
Between
The New Hampshire Department of Transportation
and
The Office of State Planning

Whereas; The State of New Hampshire wishes to participate in the Coastal Program, authorized by congress in the Coastal Zone Management Act (CZMA) and administered by the Department of Commerce, and

Whereas; The CZMA requires that an approvable Coastal Program includes the state's ability to control competing and conflicting uses in the Coastal Zone, and

Whereas; Infrastructure, including highways and sewers, is a prerequisite to high density development, and

Whereas; The state's policy on development in the Great Bay portion of the Coastal Zone is to ensure that development is limited to a low and moderate density, thus preserving its rural character and scenic beauty, and

Whereas; The Council on Resources and Development (CORD) has adopted the Coastal Program policies,

Then; It is hereby agreed that, in accordance with the Governor's 10 Year Highway Plan (adopted by the Governor and Council in November of 1985 and October of 1986), it is anticipated that there will be no new state funded highway improvements built in or adjacent to the Coastal Zone as defined by the Draft Environmental Impact Statement for the New Hampshire Coastal Program (Ocean, Harbor, and Great Bay Area), except for planned safety improvements to Route 4. This will not increase development pressures within the area of Great Bay and therefore will be consistent with the Coastal Program policies.

Any changes in the above which may affect this agreement will be reviewed and may require a program change to the New Hampshire Coastal Program. In any case, no new highway locations will be considered until extensive environmental analyses are completed in conjunction with the Office of State Planning.

David G. Scott 2/4/87
David G. Scott Date
Acting Director
Office of State Planning
Chairman, CORD

Wallace Stickney 2/17/87
Wallace Stickney Date
Commissioner
Department of Transportation



The State of New Hampshire
Department of Transportation
John O. Morton Building

APPENDIX D

JLO *[Signature]*
WRH *[Signature]*
CHH *[Signature]*

Wallace E. Stickney, P.E.
Commissioner

Hazen Drive
P.O. Box 483
Concord, N.H. 03301-0483

May 23, 1988

RECEIVED
BUT NO COMMENT

MAY 24 1988

N. H. DEPT. OF
TRANSPORTATION

John Dabuliewicz, Director
Office of State Planning
2 1/2 Beacon Street
Concord, NH 03301

Dear Mr. Dabuliewicz:

I have reviewed the final EIS for the New Hampshire Coastal Program. This letter is to review once again the projects DOT has underway in the coastal zone management area.

The Route 4 Safety Improvement remains the only active project which crosses the first tier area. These improvements will not add capacity to Route 4.

The Legislature has mandated a study of the existing Route 1 Corridor which crosses a small portion of the first tier area in Hampton Falls and in Seabrook. This study is also devoted to improving safety and is not expected to recommend significant increases in capacity.

Regarding the second tier area, the planned improvement to Route 101 on essentially the existing right-of-way crosses the second tier as it passes over the Squamscott River in Exeter. This is not a new project as it has been underway for over a decade and the State has owned the right-of-way since the early 70's. In any event, Wetlands Board procedures and permits will be followed to the letter at that crossing as well as all others. The purpose for the highway is to provide an east-west link between Route 93 and 95, and is expected to take traffic pressure off Route 4. It is a two lane limited access highway over almost the entire distance and in fact is a four lane divided highway over about half that distance.

We expect to initiate the legislatively mandated study of a Concord-Spaulling Turnpike Highway soon. It is not clear whether some second tier crossings may be involved as the results of this study will not be available for two or more years.

I hope this provides precise information as to what the activities of the DOT within the first and second tier coastal zone areas will be.

Sincerely,

Wallace E. Stickney
Wallace E. Stickney, P.E. (at)

WES/ab

#18 IV-5

part c. Bow Lake Group

In the second characteristic, or bullet, the phrase "a bypass" should twice be replaced by the phrase "an alternate."

#19 IV-5

part c. Bow Lake Group

The fourth characteristic, or bullet, beginning with the phrase "They may...." and ending with the phrase "....north side." should be removed in its entirety.

The reason for these changes under Items #16 through #19 is that the legislation authorizing the study makes no reference to a northern New England east-west regional highway and limits to study to considering possible routes for a highway from I-393 to a terminus on the Spaulding Turnpike north of Exit 9.

#20 V-3

Section D. SELECTION ALTERNATIVES TO BE CONSIDERED

The first paragraph should be removed and replaced by the following:

"The Phase II goal is to use informed judgement to objectively select alternatives to advance to preliminary design and more detailed environmental analysis in Phase III."

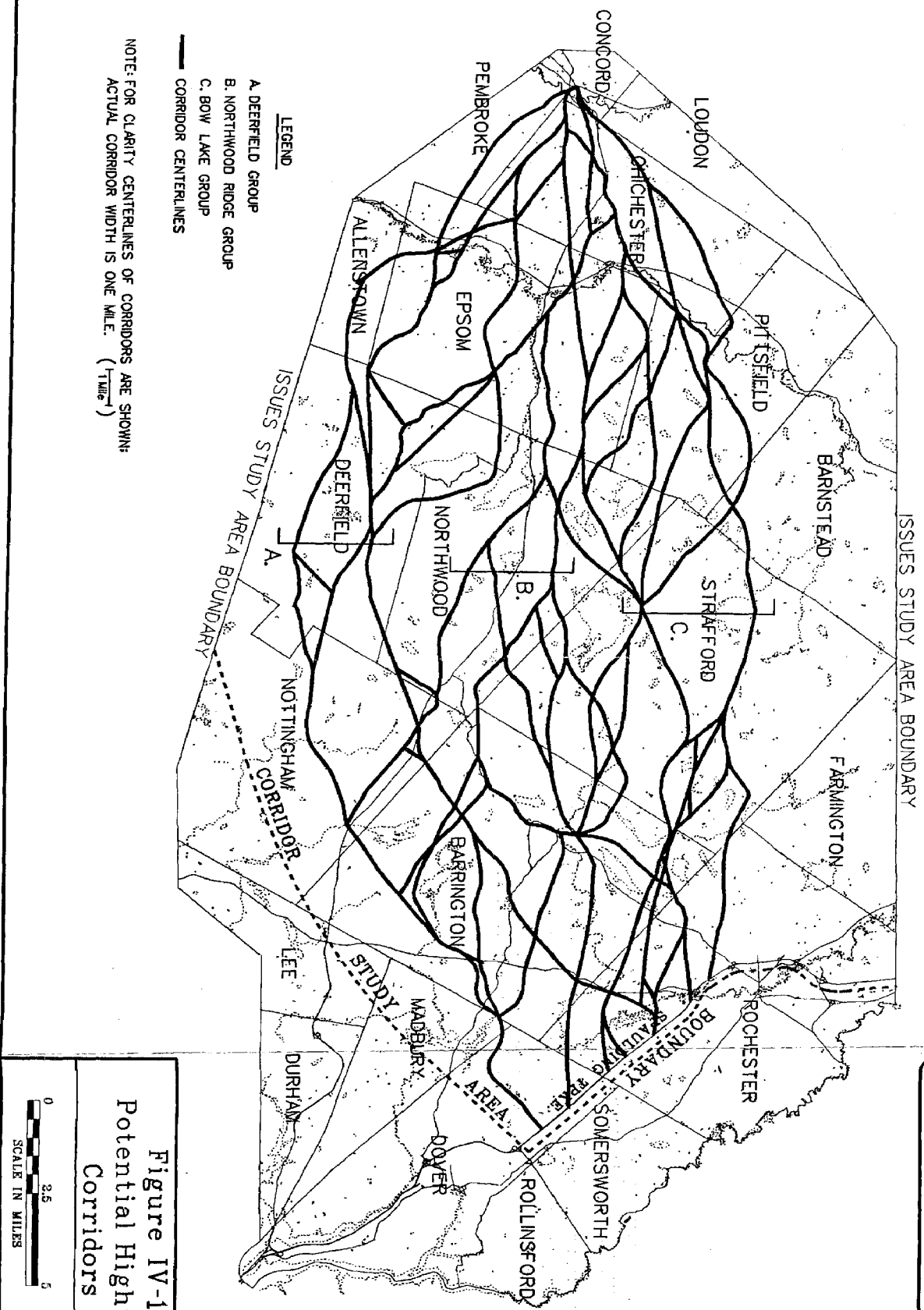


Figure IV-1
Potential Highway Corridors

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